

# **EXHIBIT C**

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Defendants.

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1 Videotaped deposition of AARON MILLIGAN,  
2 taken and transcribed on behalf of the Plaintiff, by  
3 and before Renee A. McDermid, Registered  
4 Professional Reporter and Notary Public in and for  
5 the Commonwealth of Virginia at large, pursuant to  
6 Notice to Take Depositions; commencing at 9:08 a.m.,  
7 February 9, 2018, at 415 4th Street NE, Suite 4,  
8 Charlottesville, Virginia.

9  
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12 VIDEOGRAPHER: Gordon Croll  
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1 (9:08 a.m., February 9, 2018)

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3 VIDEOGRAPHER: All right. This is the  
4 deposition of Aaron Milligan being taken today on  
5 behalf of the plaintiff. My name is Gordon Croll of  
6 Cavalier Reporting & Videography, Incorporated, 415  
7 4th Street Northeast, Charlottesville, Virginia  
8 22902. Your court reporter today is Renee McDermed.  
9 And would counsel please identify themselves now for  
10 the record.

11 MR. SAWYER: Michael Sawyer along with my  
12 co-counsel, Rebecca Dalton, from Covington & Burling  
13 on behalf of plaintiff, VGT.

14 MR. GILL: Robert Gill, Jeremy Darling of  
15 Saul, Ewing, Arnstein & Lehr.

16 MR. JACOBS: And Jon Jacobs with Zobrist  
17 Law Group.

18 VIDEOGRAPHER: All right. Thank you.  
19 Today's date is February 9. The year is 2018. The  
20 time is approximately 9:08 a.m. Would the reporter  
21 please swear in the witness.

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1 AARON MILLIGAN,  
2 was sworn and testified as follows:

3 E X A M I N A T I O N

4  
5 BY MR. SAWYER:

6 Q Good morning, Mr. Milligan.

7 A Hi.

8 Q Could you please state your name and  
9 address for the record?

10 A It is Aaron Milligan. And my home  
11 address?

12 Q Yes.

13 A It's 18236 James Madison Highway 22942.

14 Q Have you ever been deposed before, Mr.  
15 Milligan?

16 A No.

17 Q So, let me explain briefly kind of how the  
18 process will work. I'll be asking questions; and  
19 your attorney, Mr. Gill, may make objections to those  
20 questions. I would ask that when I ask a question,  
21 you wait until I finish the question before you  
22 start to answer simply so the court reporter can  
23 take it down. If any of my questions are unclear,  
24 please just let me know. Does that sound fair?

25 A Yes.

1 A No.

2 Q Aside from the three computers, did you  
3 have any other electronic devices that you used for  
4 VGT business?

5 A Not that I recall, no.

6 Q No phone?

7 A No.

8 Q No tablet?

9 A No.

10 Q So, you had no ability to check your  
11 e-mail remotely when you were at VGT?

12 A No.

13 Q Did you have any external hard drives that  
14 you used for VGT material?

15 A Yes.

16 Q And how many external hard drives did you  
17 have?

18 A One.

19 Q And what happened to that external hard  
20 drive?

21 A I had it at my house.

22 Q After your employment with VGT ended?

23 A Yes.

24 Q And did you inform VGT about the external  
25 hard drive?



1 A No.

2 Q And what was on the external hard drive?

3 A Examples of my art.

4 Q What else?

5 A Family photos.

6 Q What else?

7 A I don't know.

8 Q Do you still have that hard drive?

9 A Yes.

10 Q Does it still have VGT material on it?

11 A Yes.

12 Q And if Castle Hill asked you to produce  
13 the contents of that hard drive, would you have any  
14 objection?

15 A It's broken. It -- it died.

16 Q How did it die?

17 A I'm not sure. It's -- it won't read.

18 Q Approximately when did it stop reading?

19 A I don't recall the specific date.

20 Q Just approximately. Was it within the  
21 last year?

22 A No.

23 Q The last two years?

24 A I don't recall when, when it actually  
25 died.

1 Q Was it before or after you heard about  
2 this lawsuit?

3 A It was before.

4 Q Was it before or after VGT sent Castle  
5 Hill a cease and desist letter?

6 A Before.

7 Q Did you take any intentional steps to  
8 cause the hard drive to die?

9 A No.

10 Q So, it just stopped working?

11 A Yes.

12 Q But you still have the hard drive?

13 A Yes.

14 Q And you could produce the hard drive?

15 A Yes.

16 Q Did you ever access the hard drive after  
17 you left your employment with VGT?

18 A No.

19 Q So, you just had this external drive, but  
20 you never even read a file from it?

21 A Not that I recall.

22 Q How did you come to know the hard drive  
23 died?

24 A At the point where I was looking for  
25 photos, I found that it wasn't working.

1 Q And approximately when did that happen?

2 A I don't have the specific date.

3 Q So, how frequently would you use the hard  
4 drive to look for photos before it died?

5 A Not very often.

6 Q Did you ever give anyone else at Castle  
7 Hill access to that hard drive?

8 A No.

9 Q Aside from this external hard drive, do  
10 you have any other storage media at your house that  
11 contain VGT material?

12 A No.

13 Q Did you have any other storage media at  
14 your house at any time that contained VGT material  
15 other than this hard drive since you left VGT?

16 A No.

17 Q So, just to be clear, you've had a total  
18 of four devices at your house while you were working  
19 for VGT that contain VGT material; is that right?

20 A Yes.

21 Q And three of those devices you gave back  
22 to VGT, but one of them you kept?

23 A It was my personal drive.

24 Q Exactly what type of VGT material was on  
25 that drive?

1 A Examples of my animations for Cameloot.

2 Q What else?

3 A Projects I worked on.

4 Q What projects?

5 A Hunt for Neptune's Gold.

6 Q What other projects?

7 A Cameloot.

8 Q Aside from Cameloot and Hunt for Neptune's  
9 Gold, what other projects?

10 A Mr. Money Bags Vault.

11 Q What else?

12 A Hot Red Ruby.

13 Q What else?

14 A That's all that I can recall.

15 Q What about Polar High Roller?

16 A No.

17 Q When you told VGT that you were not going  
18 to continue to work for them and you were instead  
19 going to start for Castle Hill, did you tell them  
20 about this drive?

21 A No.

22 Q Why not?

23 A Two other artists that work at VGT, Brian  
24 Reynolds and Rich Sisson, had -- were able to use  
25 those files for portfolio to show example of their

1 work.

2 Q So, what actual file types were on this  
3 drive that contain VGT information?

4 A Illustrator.

5 Q What else?

6 A Photoshop.

7 Q What else?

8 A After Effects.

9 Q What else?

10 A That's all I can recall.

11 Q Approximately how many files were there in  
12 Illustrator, Photoshop, or After Effects file type?

13 A I don't know.

14 Q Do you know how large the hard drive was?

15 A A terabyte.

16 Q Do you know approximately how much of that  
17 terabyte contained VGT information?

18 A No.

19 Q The Illustrator, Photoshop, and After  
20 Effects files are files the public would not have  
21 had access to, right?

22 A Yes.

23 Q So, those would contain VGT's proprietary  
24 information, right?

25 MR. GILL: Object to the form of the

1 question.

2 You may answer.

3 A It was artwork.

4 BY MR. SAWYER:

5 Q I'm not sure that answers my question.  
6 So, I'll ask it one more time. The Illustrator,  
7 Photoshop, and After Effects files on that drive  
8 would contain VGT's proprietary information, right?

9 A Yes.

10 Q And you didn't return that proprietary  
11 information to VGT when you left, right?

12 A Correct.

13 Q So, you violated your employment  
14 agreement, right?

15 MR. GILL: Object to the form of the  
16 question.

17 You may answer.

18 A Yes.

19 BY MR. SAWYER:

20 Q At any point in time did you inform VGT  
21 that you violated the employment agreement?

22 A No.

23 Q Why not?

24 A I don't know.

25 Q Did you ever disclose the contents of

1 those files containing VGT proprietary information  
2 to Castle Hill?

3 A No.

4 Q Did you ever tell anyone at Castle Hill  
5 about those files?

6 A No.

7 Q Did you submit a portfolio to Castle Hill  
8 when you sought a job there?

9 A No.

10 Q How much work goes into creating a  
11 Illustrator file for one of VGT's games?

12 A Can you repeat the question, please?

13 Q Yeah. How much work goes into creating an  
14 Illustrator file for one of VGT's games?

15 A It all depends on the subject matter and  
16 the technique.

17 Q Can you give me a range of how much time  
18 you yourself spent creating Illustrator files?

19 A Hours.

20 Q Approximately how many hours?

21 A I don't recall.

22 Q So, let's take specific examples that you  
23 used. Mr. Money Bags Vault, there were Illustrator  
24 files for Mr. Money Bags Vault on the external hard  
25 drive that you kept, right?

1 We took a lunch early when you guys wanted to. It  
2 really ruins the video if that goes off and we can't  
3 use the testimony as well.

4 MR. JACOBS: Forgive me. I will not do  
5 alarms anymore.

6 VIDEOGRAPHER: All right. The time is  
7 approximately 5:01 p.m., and we are off the record.

8 (Deposition adjourned, 5:01 p.m.)  
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1 DEPOSITION ERRATA SHEET

2 Our Assignment No. 35927  
3 Case Caption: Video Gaming v. Castle Hill  
4 Deposition Date: February 9, 2017

5 DECLARATION UNDER PENALTY OF PERJURY

6  
7 I declare under penalty of perjury that I have  
8 read the entire transcript of my Deposition taken in  
9 the captioned matter or the same has been read to me,  
10 and the same is true and accurate, save and except for  
11 changes and/or corrections, if any, as indicated by me  
12 on the DEPOSITION ERRATA SHEET hereof, with the  
13 understanding that I offer these changes as if still  
14 under oath.

15  
16 Signed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17

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19 \_\_\_\_\_  
20 AARON MILLIGAN

21

22 Subscribed to and sworn before me this \_\_\_\_ day  
23 of \_\_\_\_\_, 20\_\_, in \_\_\_\_\_.

24

25 \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_, 20\_\_\_\_

Notary Public Registration No. \_\_\_\_\_

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Renee A. McDermed, Notary Public and  
3 Registered Professional Reporter in and for the  
4 Commonwealth of Virginia at Large, and whose commission  
5 expires December 31, 2021, do certify that the  
6 aforementioned appeared before me, was sworn by me, and  
7 was thereupon examined by counsel; and that the  
8 foregoing is a true, correct, and full transcript of  
9 the testimony adduced.

10 I further certify that I am neither related to  
11 nor associated with any counsel or party to this  
12 proceeding, nor otherwise interested in the event  
13 thereof.

14 Given under my hand and notarial seal at Floyd,  
15 Virginia, this 19th day of  
16 February, 2018.

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Renee A. McDermed, Notary Public No. 7204975

Commonwealth of Virginia at Large

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